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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,180	07/28/2003	Samuel H. Christic IV	7000-262	4489
27820 7590 07/24/2007 WITHROW & TERRANOVA, P.L.L.C. 100 REGENCY FOREST DRIVE SUITE 160 CARY, NC 27518			EXAMINER NGUYEN, QUYNH H	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 07/24/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/628,180	Applicant(s) CHRISTIE, SAMUEL H.	
	Examiner Quynh H. Nguyen	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 21-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 21-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's remarks filed 5/8/07 has been entered. No claims have been amended. No claims have been cancelled. No claims have been added. Claims 1-19 and 21-33 are still pending in this application, with claims 1, 17, and 33 being independent.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

3. Claims 1-16 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howe et al. (U.S. Patent 5,471,519) in view of Gibson et al. (US 2002/0076007).

As to claim 1, Howe et al. teach a method for allowing call screening in a hosted voicemail system environment (col. 7; lines 12-15) comprising:

directing a call to a hosted voicemail system, which serves as a voicemail system for a telephone terminal (col. 10, lines 53-57; col. 3, lines 17-20; col. 7, lines 15-17) if the called party requests monitoring of the communication/the call (col. 10, lines 28-31);
and

allowing the telephone terminal to monitor a message being left in the hosted voicemail system (col. 3, lines 20-23; col. 7, lines 18-21; col. 10, lines 54-57).

However, Howe et al. does not teach the call is initially directed to the hosted voicemail system before being directed to the telephone terminal.

Gibson et al. teaches the call is initially directed to the hosted voicemail system before being directed to the telephone terminal (page 1, [0002] and [0015]; page 2 [0019]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teaching of Gibson into the teachings of Howe for the purpose of providing a voice mail screening system in which a three-way call is set up between the voice mail box, the calling party, and the called party and allowing the called party to listen to the calling party and if the called party desires, the called party can speak with the calling party, as discussed by Gibson (page 2, [0020]).

As to claim 2, Howe et al. teach allowing and means for allowing a user of the telephone terminal to take the call while the message is being left in the hosted voicemail system (col. 4, lines 26-30 and lines 38-43; col. 11, lines 25-35; col. 12, lines 58-63 - *where Howe discussed service node 16 instruct SSP 14 to route the communication from the calling party to the called party while the message being left in the message service*).

As to claim 3, Howe et al. teach the called is directed to the hosted voicemail system by a telephony switch supporting the telephone terminal comprising:

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establishing and means for establishing (SSP 14) a first connection to connect the call to the hosted voicemail system (col. 7, lines 15-17; col. 9, lines 60-61);

establishing and means for establishing (SSP 14) a second connection with the telephone terminal (col. 7, lines 18-19; col. 10, lines 55-57 - *where Howe discussed the one-way communication is established from the communication to the called party in order for the called party to monitor the calling party leaving a message*); and

connecting and means for establishing (SSP 14) the first and second connections (col. 7, lines 19-21 - *where Howe discussed the called party monitors the incoming call that routed to a message service, hence connecting the first connection to the voicemail system and second connection with the telephone terminal of the called party*; col. 10, lines 53-60).

As to claim 4, Howe et al. teach sending and means for sending a first signal to the telephone terminal to open a speaker channel (col. 4, lines 20-23; col. 7, lines 18-21; col. 10, lines 57-60 - *where Howe discussed service node 16 directs the establishment of the one-way communication to the called party and providing the called party with the ability to monitor or listen only to the communication between the calling party and the message service, hence sending signal to the telephone terminal to open a speaker channel*).

As to claim 5, Howe et al. teach receiving and means for receiving a second signal from the telephone terminal indicative of the user taking the call (col. 4, lines 38-40; col. 6, lines 3-5; col. 11, lines 25-28).

As to claim 6, Howe et al. teach sending and means for sending a third signal to the hosted voicemail system indicative of the user taking the call (col. 4, lines 40-50; col. 11, lines 25-35 - *where Howe discussed instructing the Service Switching Point 14 to terminate the connection between the communication and external message service, hence sending a signal to the voicemail about disconnecting the communication between the calling party and the message service*).

As to claim 7, Howe et al. teach the steps of:

establishing and means for establishing (*service node 16 instructs SSP 14*) a second call from the hosted voicemail system to the telephone terminal upon the hosted voicemail system receiving the call (col. 4, lines 19-22; col. 10, lines 55-57; col. 16, lines 7-8 - *where Howe discussed establishing a one-way communication from the communication at the message serve to the called party; and since the claim recites the language "establishing a second call from the hosted voicemail system to the telephone terminal..."*, hence the cited passage from Howe reads the claim invention);

connecting and means for connecting (*service node 16 instructs SSP 14*) the call and the second call (col. 7, lines 19-21; col. 10, lines 53-60 - *where Howe discussed the called party monitors the incoming call that routed to a message service, hence connecting the call and the second call*),

wherein the telephone terminal will open a speaker channel upon receiving the second call to allow monitoring of the message (col. 4, lines 20-23; col. 7, lines 18-21; col. 10, lines 57-60 - *where Howe discussed service node 16 directs the establishment of the one-way communication to the called party and providing the called party with the*

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ability to monitor or listen only to the communication between the calling party and the message service, hence sending signal to the telephone terminal to open a speaker channel).

As to claim 8, Howe et al. teach receiving and means for receiving a signal at the hosted voicemail system indicative of the user taking the call (col. 4, lines 40-50; col. 11, lines 25-35 - *where Howe discussed service node 16 instructs the switching route 14 to terminate the connection between the communication and external message service, hence sending a signal to the voicemail about disconnecting the communication between the calling party and the message service and indicative of the user is taking a call).*

As to claim 9, Howe et al. teach effecting and means for effecting transfer of the call to the telephone terminal upon receiving the signal (col. 4, lines 38-43; col. 12, lines 58-63).

As to claim 10, Howe et al. teach the hosted voicemail system provides caller identification information related to the call with the second call (col. 10, lines 18-23; col. 11, lines 9-13; col. 15, lines 39-42; col. 16, line 64 through col. 17, line 1 - *where Howe discussed caller's identification information is provided to the called party).*

As to claim 11, Howe et al. teach the steps of:

receiving and means for receiving a feature code from the telephone terminal (col. 15, lines 2-3 and lines 7-9 and lines 50-52 - *where Howe discussed the called party press a preselected number on the touch-tone telephone such as DTMF tone to indicate*

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a request to monitor the communication, hence receiving a feature code from the telephone terminal); and

establishing and means for establishing (service node 14 instructs SSP 16) a connection between the call, the hosted voicemail system, and the telephone terminal to allow monitoring of the message via a speaker channel (col. 15, lines 32-34 and col. 16, lines 7-13 - *where Howe discussed receiving a feature code from the called party or telephone terminal, a one-way connection from the communication to the called party is established and the called party is able to hear the message of the calling party as the calling party is leaving the message with the message service, hence establishing a connection between the call, voicemail system, and the telephone terminal to allow monitoring of the message via a speaker channel).*

As to claim 12, Howe et al. teach receiving a signal from the telephone terminal indicating the user taking the call (col. 4, lines 38-40; col. 6, lines 3-5; col. 11, lines 25-28) and establishing a connection to the telephone terminal to facilitate the call (col. 4, lines 40-43; col. 6, lines 3-7; col. 11, lines 29-30).

As to claim 13, Howe et al. teach the steps of:

establishing and means for establishing a second call from the telephone terminal to the voicemail system (col. 4, lines 19-22; col. 10, lines 55-57; col. 16, lines 7-8 - *where Howe discussed service node 14 directs the establishment of a one-way communication from the communication at the message serve to the called party; and since the claim recites the language "establishing a second call from the telephone*

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terminal to the hosted voicemail system..." hence the cited passage from Howe reads the claim invention); and

establishing and means for establishing (service node 14 instructs SSP 16) a connection between the call and the second call to allow monitoring of the message via a speaker channel (col. 4, lines 20-23; col. 7, lines 18-21; col. 10, lines 57-60 - where Howe discussed service node 16 directs the establishment of the one-way communication to the called party and providing the called party with the ability to monitor or listen only to the communication between the calling party and the message service, hence sending signal to the telephone terminal to open a speaker channel).

As to claim 14, Howe et al. teach receiving and means for receiving a signal from the telephone terminal indicating the user taking the call (col. 4, lines 38-40; col. 6, lines 3-5; col. 11, lines 25-28) and establishing and means for establishing a connection to the telephone terminal to facilitate the call (col. 4, lines 40-43; col. 6, lines 3-7; col. 11, lines 29-30).

As to claim 15, Howe et al. teach the telephone terminal is adapted to automatically open a speaker channel for call screening (col. 4, lines 20-23; col. 7, lines 18-21; col. 10, lines 57-60 - where Howe discussed service node 16 directs the establishment of the one-way communication to the called party and providing the called party with the ability to monitor or listen only to the communication between the calling party and the message service, hence sending signal to the telephone terminal to open a speaker channel).

As to claim 16, Howe et al. teach sending and means for sending a message to the hosted voicemail system to control processing of fragments of the messages resulting from call screening (col. 11, lines 63-67; col. 4, lines 18-19; col. 6, lines 8-9 - *where Howe discussed service node 16 provides signaling to the external message service 29 via SSP 14 to indicate that the message should be erased*).

As to claim 33, Howe et al. teach a method for allowing call screening in a hosted voicemail system environment (col. 7, lines 12-15) comprising:

detecting an incoming call intended for a telephone terminal (col. 10, lines 53-57; col. 3, lines 17-20; col. 7, lines 15-17);

allowing the telephone terminal to monitor a message being left in the hosted voicemail system (col. 3, lines 20-23; col. 7, lines 18-21; col. 10, lines 54-57).

However, Howe et al. does not teach forwarding the incoming call to the hosted voicemail system, which serves as a voicemail system for the telephone terminal, without attempting to establish a connection to the telephone terminal; and upon answering the incoming call at the hosted voicemail system, initiating a new call to the telephone terminal such that the incoming call and the newly initiated call are effectively connected.

Gibson et al. teaches forwarding the incoming call to the hosted voicemail system, which serves as a voicemail system for the telephone terminal, without attempting to establish a connection to the telephone terminal, and upon answering the incoming call at the hosted voicemail system, initiating a new call to the telephone

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terminal such that the incoming call and the newly initiated call are effectively connected (page 1, [0002] and [0015]; page 2, [0019] and [0020]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teaching of Gibson into the teachings of Howe for the purpose of providing a voice mail screening system in which a three-way call is set up between the voice mail box, the calling party, and the called party and allowing the called party to listen to the calling party and if the called party desires, the called party can speak with the calling party, as discussed by Gibson (page 2, [0020]).

4. Claims 17-19 and 21-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howe et al. (U.S. Patent 5,471,519) in view of Gibson et al. (US 2002/0076007) and further in view of Lektion et al. (US 2004/0096046).

Claim 17 is rejected for the same reasons as discussed above with respect to claim 1. However, Howe and Gibson do not teach means for sending a first signal to the telephone terminal to open a speaker channel without user interaction with the telephone terminal.

Lektion et al. teaches means for sending a first signal to the telephone terminal to open a speaker channel without user interaction with the telephone terminal (page 1, [0009], lines 8-9; page 2, [0024], lines 6-10 and [0025], lines 1-4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teaching of Lektion into the teachings of Howe and

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Gibson for safety purposes and reducing disruptions while the user driving his or her car.

Claims 18-19 and 21-32 are rejected for the same reasons as discussed above with respect to claims 2-3 and 5-16, respectively.

Response to Arguments

5. Applicant's arguments with respect to claims 1-19 and 21-32 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments are addressed in the above claims rejection.

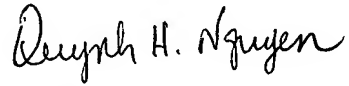
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 571-272-7489. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in cursive script, reading "Quynh H. Nguyen".

Quynh H. Nguyen

July 17, 2007